

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JOSEPH D. GILBERTI, JR. , P.E., an
individual and licensed professional
engineer

Plaintiff,

v.

Case No.: 2:19-cv-282-FtM-38MRM

RON DESANTIS, THE MOSAIC
COMPANY, MOSAIC FERTILIZER,
LLC, ENVIRONMENTAL
PROTECTION AGENCY,
SARASOTA COUNTY BOARD OF
COUNTY COMMISSIONERS,
DESOTO COUNTY BOARD OF
COUNTY COMMISSIONERS,
HILLSBOROUGH COUNTY STATE
ATTORNEYS OFFICE, SARASOTA
MEMORIAL HOSPITAL, PEACE
RIVER MANASOTA WATER
SUPPLY AUTHORITY,
SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT, 72
PARTNERS, LLC and LUIS E.
RIVERA,

Defendants.

_____ /

OPINION AND ORDER¹

Plaintiff Joseph Gilberti accuses Defendants of “manipulating and laundering US
Tax dollars...to steal unique lands and hide Natural and Endless Drinking water to fill
cancer centers with bad manmade treated water from Polluted ground water and Rivers,

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to sell medicine, cancer centers and healthcare machines while killing millions of people over decades.” ([Doc. 1 at 2](#)). In his 112-page Complaint, Gilberti alleges a bizarre and incomprehensible conspiracy to, among other things, cause cancer, kill children, increase opioid use, and damage the economy by “hiding secret underground rivers of Unique Alkaline Spring Water.” And he asks for relief that this Court cannot grant, like reporting Defendants to President Trump, obtaining \$10 billion from the Federal Reserve, enlisting the military to help install water supply infrastructure, and returning foreclosed homes to previous owners.

Several defendants moved to dismiss, but the Court stayed this case pending the results of Gilberti’s appeal of the dismissal of a nearly identical case he filed in the United States District Court for the District of Columbia. The D.C. District Court dismissed that case because federal courts do not have subject matter jurisdiction over “patently insubstantial” claims. [Gilberti v. Fed. Reserve Sys., No. 1:19-CV-738, 2019 WL 1901293, at *2 \(D.D.C. Apr. 29, 2019\)](#). The District of Columbia Court of Appeals affirmed, finding that Gilberti “alleged no plausible facts that would entitle him to relief.” [Gilberti v. Fed. Reserve Sys., No. 19-5264, 2020 WL 1487738 \(11th Cir. Mar. 3, 2020\)](#).

Gilberti filed another substantially similar case in this District: *Gilberti v. Adrurra Grp. Inc.*, No. 8:19-CV-2012-VMC-AAS. It too was dismissed for lack of subject matter jurisdiction. The Eleventh Circuit affirmed, finding no error with the district court’s conclusion that Gilberti’s claims were patently without merit. [Gilberti v. Adrurra Grp., Inc., No. 19-15176, 2020 WL 1951663, at *2 \(11th Cir. Apr. 23, 2020\)](#).

The Court agrees with the other district and circuit courts that have evaluated Gilberti’s claims—they are “essentially fictitious” and “obviously without merit.” *Id.* at *1

(quoting *Hagans v. Lavine*, 415 U.S. 528, 537 (1974)). As such, this Court lacks subject matter jurisdiction, and dismissal under [Federal Rule of Civil Procedure 12\(b\)\(1\)](#) is warranted.

Accordingly, it is now

ORDERED:

(1) Joseph D. Gilberti, Jr.'s complaint ([Doc. 1](#)) is **DISMISSED**.

(2) The Clerk is **DIRECTED** to terminate all pending motions and deadlines, enter judgment, and close the case.

DONE and **ORDERED** in Fort Myers, Florida this 15th day of May, 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record